

Notification of Rights and Responsibilities

As an individual eligible for our services, we must inform you* of the following individual and civil rights:

- Oregon Revised Statute (ORS) 427.107
- Oregon Administrative Rule (OAR) 411-318-0010 to 411-318-0030

As a recipient of Developmental Disabilities Services, you have the following rights:

To be informed of your rights and responsibilities

You have the right to be informed at the start of services and at minimum annually thereafter of the rights guaranteed by ORS 427.107(2)(m) and the procedures for reporting abuse and to have these rights, responsibilities, and procedures including the name, address and telephone number for Disability Rights Oregon. For those living in a residential program, these rights and procedures must be displayed in a way that is easily accessible to you and made available to your guardian and/or designated representative. You also have the right to have information about the Residential Facilities Ombudsman program (per ORS 443.392) services posted in your home.

You have the right to have documents translated and conversations interpreted into your primary or preferred language.

A humane service environment

Services must be provided in a humane service environment that affords reasonable protection from harm, reasonable privacy and daily access to fresh air and the outdoors unless that access creates a significant risk of harm to you or others.

- To have access to adequate food, housing, clothing, medical and health care, and supportive services training.
- To keep and use personal property while having control and freedom regarding personal property.
- To participate regularly in the community and use community resources including recreation, developmental disability services, employment and day support activities, school, educational opportunities and health care resources.

* If you have a guardian or legal representative or you are a minor, your parent, guardian, or legal representative must also be informed of rights on your behalf.

Protections

- To be free and protected from abuse or neglect. To report any incident of abuse or neglect without being subject to retaliation.
- To be free from seclusion, unauthorized training, treatment, or restraint. To know medication is administered only for your clinical needs as prescribed by a health care provider unless an imminent risk of physical harm to you or others exists and only for as long as the imminent risk continues.
- To have contact with family, friends, advocates, and medical professionals of your choosing. To have private conversations with individuals of your choosing.
- To have contact and visits with legal and medical professionals, legal or designated representatives, family members, friends, advocates and others you choose, except where prohibited by court order.
- To be informed that a family member has contacted the Department to determine your location and to be informed of the name and contact information of the family member if known.
- To manage your own money and financial affairs unless the right has been awarded to another individual by court order or other legal procedure.
- To have access to free and appropriate public education if you are under 21 years of age.
- To have the freedom to exercise all rights described in this rule without any form of reprisal or punishment.

Choice

- As an adult, to consent to or refuse treatment unless incapable; then an alternative decision maker must be allowed to consent to or refuse treatment for you. As a child your parent or guardian is allowed to consent to or refuse treatment except or limited by court order. This also includes the responsibility to identify the system that you would like for your case manager to use in order to engage in monitoring related to your healthcare needs.
- To seek a meaningful life by choosing from available services, service settings and service providers consistent with the support needs identified through the person-centered planning process, and enjoying the benefits of community involvement and community integration.

Guardianship

- To a guardian if over the age of 18 who makes decisions based on your safety and well-being who does not make decisions without reasonably determining your wants and needs.
- To be presumed competent even if there is a guardianship in place.

- As an adult with a guardian to retain all legal and civil rights provided by law, except those that have been expressly limited by court order or specifically granted to your guardian by the court.
- As an adult, the right to contact and retain counsel and to have access to personal records.

Consent

- To have informed, voluntary, written consent prior to receiving services except in a medical emergency or as otherwise permitted by law and informed, voluntary, written consent prior to participating in any experimental programs.
- To not participate in experimentation without informed, voluntary, written consent.
- To be informed of the systems used by your case manager to ensure your basic healthcare needs are met, as is required for monitoring.

Compensation

- To reasonable and lawful compensation for performance of labor except personal housekeeping duties.

Service Plan

- To have the right to be provided with a reasonable explanation of all service considerations, including the methods by which your case manager will conduct monitoring activities through choice advising and the right to invite others you choose to participate in the plan for services
- To services that promote independence, health, and dignity and reflect your age and preferences and are the most cost effective, least restrictive and least intrusive to you.
- To an individualized written plan for services created through a person-centered planning process, services based upon the plan and periodic review and reassessment of your service needs. To have the right to participate in the planning of services that is appropriate to you.
- To request a change in the plan for services, including methods by which monitoring activities occur or to request a new functional needs assessment and to a timely decision about the request for a change.
- To receive written notice if a provider is exiting, transferring or reducing their services to you
- To receive written notice of any action that terminates, suspends, reduces or denies a service or request for service and notification of other available sources for necessary continued services.

- To request services that exceed limits in current Oregon Administrative Rule (OAR) and be notified in writing of the outcome of that request. To have the right to request an exception to current OAR from developmental disabilities services. More information and the process of filing an exception can be found at <https://www.oregon.gov/odhs/idd/Pages/exceptions.aspx> or ask the case manager for assistance.

Complaints

- To assert grievances (complaints) with respect to infringement of the rights described, including the right to have grievances considered in a fair, timely, and impartial procedure without any form of retaliation or punishment.
- A complaint is when you are unhappy with something about your services, supports or programs, an assessment or other processes or the people who are providing these services. More information can be found at <https://www.oregon.gov/odhs/idd/Pages/complaints.aspx>.
- To have the right to be informed of and have the opportunity to make or file a complaint if you believe any of your rights have not been honored.
- There is a Developmental Disabilities Services Complaint Form (form number [SDS 0946](#)) which can be provided to you. All efforts will be made to resolve complaints timely. You will receive a written response to your complaint, called a resolution or decision, within 45 days. If you are not satisfied with the response to your complaint, you may appeal the decision with the Department.

Notification of Planned Action

- To have a Notification of Planned Action when services are going to be terminated, suspended, reduced or a request for services is being denied
- To request a contested case hearing if you disagree with a planned action. The process for requesting a hearing is described in the Notice of Hearing Rights included with the Notification of Planned Action. Please see these documents for additional Rights. Or visit <https://www.oregon.gov/odhs/idd/Pages/hearings.aspx>.

Civil Rights

The individual rights in ORS 427.107 and OAR 411-318-0010 do not limit all other statutory and constitutional rights that are afforded all citizens, including but not limited to the right to exercise religious freedom, vote, marry, have or not have children, own and dispose of property and enter into contracts and execute documents unless specifically prohibited by law if you are less than 18 years of age. Nothing in ORS 427.107 and OAR 411-318-0010 may be construed to alter any legal rights and responsibilities between a parent and child.

Required Services

In addition to the above stated rights, there are the following required mandatory services:

1. Abuse Investigations as indicated in OAR 407-045-0000.
2. Services Coordinator or Personal Agent presence at all Department-funded program entry, exit, transition planning or transfer meetings; including support services and in-home services for adults or children.
3. Services Coordinator or Personal Agent must have access to all settings where services are delivered, including the individual's residence.
4. Services Coordinator or Personal Agent access to individual files.
5. Services Coordinator or Personal Agent provide monitoring activities, including review of healthcare information.

Residential Facilities Ombudsman (RFO)

If you have a rights or quality of life issue, you or anyone with a concern on your behalf, can contact the RFO for help. Services are confidential and available for anyone living in a licensed or certified home or facility, including 24-hour residential or foster care for children or adults.

Voice: 503-378-6852 or 1-844-674-4567

TTY users: dial 711

Fax: 1-503-373-0852

Email: rfo.info@oregon.gov

Per ORS 443.392, the Notice of Complaint Procedures must be available to all individuals living in a residential facility.

Abuse Reporting

Available to you is a contact telephone number if you or someone you suspect of child abuse, elder abuse, abuse of people with physical or developmental disabilities, or abuse of people with mental illness or those experiencing a mental health crisis. Please contact:

Statewide Abuse Reporting Line: (855) 503-SAFE (7233)

If this is an emergency, call 911.

Disability Rights Oregon

Here is a phone number if you or your guardian or advocate wants to consult with the attorneys of Disability Rights Oregon to discuss your civil rights and legal concerns.

Voice: 503-243-2081 or 1-800-452-1694

TTY users: dial 711

Fax: 1-503-243-1738

Would you like to get email updates from the Office of Developmental Disabilities Services (ODDS)?



Sign up using this QR code, [use this link](#), or go to <https://public.govdelivery.com/accounts/ORDHS/subscriber/new>.

You'll get the ODDS director's messages. These updates include community news about services, events and more.

Notice of Rights

Name (Print): _____

Phone number: _____ Date of birth: _____

I have been given the NOTICE OF RIGHTS and Responsibilities (SDS 0948) which includes:

- Statutory Rights
- Administrative Rule Rights
- Mandatory services
- How to file a complaint
- How to file a hearing
- How to report abuse

My signature below indicates that I have had my rights and mandatory services explained to me, and I have been provided a copy of this information.

Signatures

Signature

Date

Parent/Guardian Signature

Date

Case Manager Signature

Date

You can get this document in other languages, large print, braille or a format you prefer free of charge. Contact ODDS Complaints Department at odds.complaints@odhsoha.oregon.gov or 971-701-5299 (voice/text).

We accept all relay calls.